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SCHOOL LEGISLATION

OF THE

SECOND CALLED SESSION THIRTY-SIXTH LEGISLATURE

Statistics and Registration
Tax Levy for Schools and for Text Book Fund
Consolidation of School Districts
Emergency Transfers
Amendment to Rural Aid Law

ANNIE WEBB BLANTON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

Bulletin 102 July, 1919

ISSUED BY
THE DEPARTMENT OF EDUCATION
STATE OF TEXAS

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SCHOOL LEGISLATION OF THE SECOND CALLED SESSION THIRTY-SIXTH LEGISLATURE.

STATISTICS AND REGISTRATION.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That Section 1 of Chapter 104, Acts of the Thirty-fifth Legislature, 1917, passed at the regular session, be amended to read as follows:

Section 1. The State Superintendent of Pubic Instruction shall require of judges acting as ex-officio county superintendents of public schools of county, city and town superintendents, of county and city treasurers and depositories, and of treasurers and depositories of school boards, and of other school officers and teachers, such school reports relating to the school fund and to other school affairs as he may deem proper for colleecting information and advancing the interests of the public schools, and shall furnish the county, city, and town superintendents, treasurers, and depositors, and other school (affairs) as he may deem proper for collecting information and advancing the interests of the public schools and shall furn'sh the county, city and town superintendents, treasurers, and depositories and other school officers and teachers for the use of such teachers and officers the necessary blanks and forms for making such reports and carrying out such instructions as may be required by them. All teachers, librarians, school presidents, superintendents, principals, or other school officers employed by all schools supported wholly or partly by the State, shall fill out and send to the State Department of Education, before the expiration of the first school month of each annual session a registration card, supplied by the State Department of Education, which card shall furnish blanks for useful statistical information, and said teachers, librarians, school presidents, superintendents, and principals shall not be paid the salary for the first month's service, except on the presentation of a receipt certifying that the said registration card has been received by the State Department of Education; provided also that any teacher, librarian, school president, superintendent, principal or other school officer employed in any school supported wholly or partly by the State of Texas, on changing his position from one school to another at any time during the school session, shall not be entitled to receive the first month's salary in any new position except on presenting a receipt from the State Department of Education certifying that he has filed with the State Department of Education another registration card giving information as to the said change of position. The monthly salary of any county judge acting as ex-officio county superintendent of public schools of any county, district, city, or town superintendent, or principal, or any teacher, or librarian, in any school supported wholly or party by the State of Texas, or any assessor, county treasurer, treasurer in county school depository or treasurer of any school

district depository, shall be withheld by the officials or authorities paying the said salary, on notification by the State Superintendent of Public Instruction that said county judge, acting as ex-officio county superintendent of public schools, county, district, city, or town superintendent, or principal, teacher, librarian, assessor, county treasurer, treasurer of county school depository or treasurer of school district depository has refused or failed to make the reports required of him; provided that this notification shall not be sent by the State Superintendent until at least two written requests have been made for the desired information and until thirty days have elapsed from the time of the first request without the receipt of the information required; in such case the aforesaid monthly salary shall be withheld until a notice is received from the State Superintendent, certifying that the information requested has been furnished by the delinquent person.

An employe of the State or of any district, county, city, town, or school, who may be responsible for the payment of the salary of any county judge acting as ex-officio county superintendent of public schools of any county, district, or town superintendent or principal, or other school officer, or any teacher, librarian, assessor, county treasurer, treasurer of county school depository, or treasurer of school district depository, after notice by the State Superintendent that the said person has failed to comply with the provisions of this act, shall be deemed guilty of a misdemeanor and shall on conviction be fined in any sum not less than $50.00 nor more than $500, and the State Superintendent of Public Instruction may withhold warrants for further payment of State apportionments until the aforesaid officials have made satisfactory reports as herein provided.

SEC. 2. The crowded calendar of the special session and the fact that many schools will open their sessions during the first week of September, and the necessity in reconstruction work for information as to school conditions creates an emergency and an imperative public necessity which requires that the constitutional rule providing that bills shall be read on three several days be suspended, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Superintendents, principals, and heads of State schools are requested to inform their teachers as to the provisions of this bill. A supply of registration cards will be sent out by September first. Please notify the Department of Education, Austin, Texas, as to how many you will need.

TAX LEVY FOR SCHOOL AND TEXT BOOK FUND.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. There is levied and shall be collected for public free school purposes for the year 1919 and annually thereafter an ad valorem tax of thirty-five (35) cents on the one hundred ($100) dollars valuation of all real property situated and on all property owned in the State on the first day of January of each and every year, and on all property

sent out of the State prior to the first day of January for the purpose of evading the payment of taxes thereon and afterwards returned to the State, except so much thereof as may be exempted by the Constitution and laws of this State or the United States, which said taxes shall be collected in the same manner as other ad valorem taxes, and all of said taxes are hereby appropriated for such purpose for the years ending August 31, 1920, and August 31, 1921.

SEC. 2. The State Board of Education shall annually, at a meeting designated by them each year, set apart out of the funds raised under the provisions of this act an amount sufficient not to exceed 15 cents on the one hundred ($100) dollars valuation on all property mentioned in Section 1 hereof to purchase and distribute the necessary school books for the use of the pupils of the public free schools of this State.

SEC. 3. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 4. The fact that there is now no law upon the statute books of this State authorizing a sufficient levy of school taxes creates an emergency and an imperative necessity requiring the suspension of the constitutional rule that bills be read on three several days, and said rule is hereby suspended, and this act shall take effect from and after its passage, and it is so enacted.

This law was made necessary because of the fact that we had on the statute books an old law limiting the amount of school tax which the State might levy to $4.50 per capita. While this law had been disregarded in the past, it was thought wise to pass one which would authorize present custom. Please note that the maximum amount which can be spent for free text-books is the revenue from the tax of 15 cents on the hundred dollars, which was voted for this purpose, last November, by the people of the State. This provision should put an end to the groundless rumors that free text-books must be purchased from funds formerly used to pay the salaries of teachers.

CONSOLIDATION OF COMMON SCHOOL DISTRICTS ONE WITH ANOTHER AND OF COMMON SCHOOL DISTRICTS WITH INDEPENDENT SCHOOL DISTRICTS.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That when any number of contiguous common school districts within this State, desiring to consolidate for school purposes, present a petition to the county judge of the county wherein such districts are situated, signed by twenty or a majority of the legally qualified voters of each district so desiring to consolidate, the county judge shall issue an order for an election to be held in each of the common school districts so petitioning, which elections shall be held on the same date. The county judge shall give notice of the date of such elections by publication of the order in some newspaper published in the county for twenty days prior to the date on which such elections are ordered, or by posting a notice of such elections in each of the districts, or by both such publication and posted notices.

The commissioners court of the county in which such elections are held shall at its next meeting canvass the returns of such elections, and if the votes cast in each and all districts show a majority in favor of the consolidation of such common school districts, the commissioners court shall declare such common school districts consolidated, said districts being contiguous territory.

It is herein provided that in the same manner as is described in Section 1, common school districts may be consolidated with contiguous independent school districts, and that when common school districts are so consolidated with an independent school district, the district so created shall be known by the name of the independent school district included therein, and the management of the new district shall be under the existing board of trustees of the independent district, and that all the rights and privileges granted to independent districts by the laws of this State shall be given to the consolidated independent districts created under the provisions of this act.

The term "district" as hereinafter used shall be construed to mean "consolidated common school districts," or "consolidated independent school district," as the case may be.

SEC. 2. If at the time of such proposed consolidation there are outstanding bonds of any one or more of the districts proposed to be consolidated, then at an election held for that purpose on some future day, there shall be, or at the election held for the purposes of consolidation, there may be submitted to the qualified tax paying voters of such proposed consolidated district the question as to whether or not the said consolidated district shall assume and pay off the said outstanding bonds and whether or not a tax shall be levied therefor, provided that if said election on the question of assuming said outstanding bonds is held on the day upon which the election on the question of consolidation is held, in that event there shall be separate notices, ballots, and ballot boxes and tally sheets for the two separate elections. If a majority of said voters should vote at either of said elections to assume and pay off said bonded indebtedness, then said bonded indebtedness shall become valid and subsisting obligations of said consolidated district, and the proper officers thereof shall annually thereafter levy sufficient taxes to pay the interest thereon as it accrues and to create a sinking fund which, in addition to the sinking funds already accumulated in the original bonded district or districts, will pay off and retire the said outstanding bonds when they shall become due.

SEC. 3. The board of county school trustees at its next meeting after such consolidation of school districts is declared shall appoint a board of seven trustees for the consolidated district. The terms of office of three of the trustees so appointed shall expire on the first day of May next following their appointment, and the terms of office of the other four trustees shall expire on the first day of May of the succeeding year, the trustees so appointed to determine by lot which three trustees shall serve the short term and which four of their number shall serve the long term, and each year thereafter alternately three trustees and four trustees shall be elected by the qualified voters of the district on the first Saturday of April of every year, which trustees so elected shall enter upon the discharge of their duties on the first day of May next following. District

trustees shall qualify by taking the oath of office required of all State officers in this State, which oaths shall be filed with the county superintendent of the county wherein the district is situated. The board of trustees after being qualified shall immediately organize by electing one of their number president and another secretary, a report of which organization shall be filed with the county superintendent. Trustees so elected shall each serve for two years from the first day of May of the year in which they are elected or until their successors are elected and qualified, and in case a vacancy is created in any board of district trustees by resignation or otherwise, the board of county school trustees shall fill such vacancy by appointment, which appointment shall extend to the time of the next regular election for district trustees.

SEC. 4. The board of trustees of the district shall appoint three persons, qualified voters of the district, to hold election for district trustees, who shall make returns thereof to the board of trustees of the district within five days after such election shall have been held. The three persons holding such election shall receive as compensation for their services the sum of two dollars each, to be paid out of the general fund of the county in which said election was held. The board of trustees when ordering such election and appointing persons to hold election shall give notice of the time and place where such election will be held, which notice shall be posted in three public places in the district twenty days prior to the date on which such election is ordered to be held. If at the time and place for holding such election any or all of the persons so appointed to hold such election are absent or refuse to act, then the electors present may select of their number a person or persons to act in the place of those absent or refusing to act.

No person shall be eligible to serve as school trustee who is unable to read and write the English language understandingly, and who has not been a resident of the State one year and of the district six months prior to the election for trustees.

SEC. 5. The board of trustees so elected shall employ a district superintendent for the district, who shall be elected for one year or for two years, as the trustees may determine, and who, in addition to his duties as superintendent, shall be a teacher in one of the elementary schools or the high school of the district. Acting in collaboration with the district superintendent, the board of trustees shall employ teachers for the several elementary schools of the district, or for the departments of the high school, which teachers shall be elected for one year or two years, as the trustees decide, and they shall serve under the direction and supervision of the district superintendent. Contracts between the trustees and the district superintendent and teachers shall be in writing and subject to the approval of the county superintendent of the county wherein such district is situated.

SEC. 6. It shall be the duty of the district superintendent to visit personally and inspect the several schools of the district and advise with the teachers therein, and he shall be responsible to the district trustees and to the county superintendent for the proper conduct of the school work and the management of the schools of the district. The district superintendent shall spend at least one-fourth of his time in visiting and inspecting the schools of the district, and he shall make recommendations

from time to time to the district trustees and to the county superintendent for any changes which in his judgment are necessary for the proper management of the schools of the district. The district superintendent shall keep such records and make such reports as are required of him by the district trustees and the county superintendent, and the county superintendent shall refuse to approve vouchers drawn against the school funds of the district until such reports are made by the district superintendent.

SEC. 7. The district trustees shall recognize or establish elementary schools within the bounds of the district as the need for such elementary schools shall appear. They shall in so far as is practicable provide uniform school buildings and equipment for the several elementary schools so recognized or established, and they shall arrange an annual wage schedule for the teachers employed in such elementary schools as nearly uniform as is possible. It is herein expressly provided that the instruction in the elementary schools of the district shall embrace not more than the first seven grades or years of work as outlined in the course of study issued by the State Superintendent of Public Instruction for this State, and approved by the county superintendent of the county wherein such elementary schools are situated.

SEC. 8. The trustees of the district may recognize or establish not more than one high school for white children and one high school for colored children within the limits of the district, which high schools shall be located with reference to the convenience of the majority of the high school pupils of either race. It is herein provided that the instruction in such high schools may embrace any or all of the four years or grades of work above the seventh grade, as outlined by the State Superintendent of Public Instruction for this State and approved by the county board of trustees of the county wherein such high schools are situated. It is herein further provided that such high school may be located and conducted in connection with some of the elementary schools of the district as may be decided by the trustees of the district.

When in their judgment it is deemed necessary or expedient the trustees of the district may provide for the transportation of pupils to and from any elementary school or high school of the district whereupon such pupils may be in attendance, and trustees are hereby empowered to employ transportation vehicles and drivers for such service, paying the cost thereof out of the local maintenance fund of the district or out of such other funds as may be appropriated for this purpose.

SEC. 9. It is herein expressly provided that taxing and bonding powers as are provided for elsewhere in the laws of this State are hereby guaranteed to the district consolidating under the provisions of this act, either common school districts or independent school districts, and it is further provided that rural school aid shall be extended to any or all of the schools of the districts so consolidating which comply with the laws and rulings governing the distribution of State aid to rural schools and independent districts. It is further guaranteed that the law providing free text-books to the free schools of this State shall apply to the districts consolidating under the provisions of this act. Appeals from consolidated common school districts shall be made to the county superintendent and board of education.

SEC. 10. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 11. The fact that there is now no adequate law in this State governing the consolidation of school districts, and the further fact that such a law would standardize and strengthen the organization and supervision of public schools within this State, creates an emergency and imperative public necessity, requiring the suspension of the constitutional rule that bills be read on three several days, and that this bill take effect from and after its pasage, and it is so enacted.

CONSOLIDATION OF A SCHOOL DISTRICT IN AN INCORPORATED CITY OR TOWN WITH A SCHOOL DISTRICT IN A TOWN OR VILLAGE INCORPORATED FOR FREE SCHOOL PURPOSES ONLY.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That there shall be added to Chapter 16, Title 48, Revised Civil Statutes, 1911, Articles 2851a, 2851b, 2851c, 2851d, 2851e, which shall read as follows:

Article 2851a. When a town or village incorporated for free school purposes only under the general law, and hereinafter designated as an "independent school district," and a city or town forming a part of such independent school district which is incorporated for municipal purposes, under the general law, and hereinafter referred to as an "incorporated city or town," shall be desirous of having the public schools within such independent district assumed by or under the control of such city or town, the same shall be done in the following manner, towit:

Whenever as many as fifty or a majority of the resident qualified voters of such independent school district shall petition the board of trustees of such independent school district to order an election for the purpose of voting on the proposition of whether or not the public free schools in said district shall be assumed and controlled by such incorporated city or town, said board of trustees shall order an election, to be held at the usual voting place or places, within such independent school district and which election shall be ordered and held in conformity with the law governing bond and tax elections in independent school districts; except the qualified electors voting thereat need not be property tax payers, but must be qualified to vote under the laws of this State regulating general elections; provided that the petition on which said election is ordered shall be signed by a majority of the qualified voters of such district living without the limits of such incorporated town or city.

Article 2851b. All persons voting at such election in favor of the incorporated city or town assuming control of the schools of such independent school district shall have written or printed on their ballots the words "for assuming control of the public free schools of..... independent school district by the city of....., Texas," and all persons voting at such election not in favor of the incorporated city or town assuming control of the schools shall have written or printed on

their ballots the words "against assuming control of the public free schools of.....independent school district by the city of....., Texas."

Article 2851c. The term "assuming control of the schools" as used in this act shall be held to mean the assumption of the control and management of the schools of such independent school district by the incorporated city or town in conformity with the provisions and requirements of Chapter 17, Title 48, Revised Civil Statutes, 1911, except as herein otherwise provided.

Article 2851d. In the event a majority of the qualified voters voting at the election in such independent school district shall vote in favor of the incorporated city or town assuming control of the schools of such independent school district, it shall be the duty of the board of trustees of such district to certify the results of such election to the city council, city commission or other governing authority of such incorporated city or town, together with a certified copy of the record showing all the proceedings had in the incorporation of such independent school district and all boundary extensions thereto, if any, together with a well defined map accurately showing the territory described in such record, and if upon investigation by the city council, city commission or other governing authority of such incorporated city or town, it is found that the election for assuming control of the schools of such independent school district has been in all respects lawfully held and the returns thereof duly and legally made, then the said city council, city commission or other governing authority shall, by ordinance duly passed and entered of record assume control and management of the public free schools within its limits; provided that if the boundaries of such independent school districts do not coincide with the boundaries of the incorporated city or town, then the city council, city commission or other governing authority shall on the same day pass an ordinance extending its corporate line for school purposes only so that the same shall coincide with and embrace the same territory within such independent school district, and provided further, that if such independent school district shall have an outstanding bonded indebtedness, then the incorporated city or town shall become bound and liable for the payment of such bonded indebtedness, and the city council, city commission, or other governing authority thereof shall levy and cause to be assessed and collected, upon all property subject to taxation within the limits of such incorporated city or town or within the limits of such corporation as extended for school purposes only if the boundaries of the former independent school district were not the same as the boundaries of the incorporated city or town, taxes for the purpose of paying the interest on such bonds and provide a sinking fund sufficient to redeem the same at maturity, and such tax thereafter shall be annually levied and collected so long as such bonds, or any of them, are outstanding and unpaid; and provided further, that the assumption of the control of the schools of such independent school district shall not abrogate or affect any maintenance tax theretofore authorized in such independent school district and such tax shall thereafter be annually levied, assessed and collected by the proper authorities of such incorporated city or town, until increased or changed by the qualified voters in conformity with the provisions and requirements of Chapter 17, Title

48, Revised Statutes, 1911, as amended by Chapter 169, Acts Regular Session, Thirty-fifth Legislature.

Article 2851e. Nothing in this act shall be construed as affecting the term or terms of office of any trustee previously elected in such independent school district and serving as such at the time of the assumption of the control of the district schools by the incorporated city or town, as herein provided, and such trustees shall be vested with the same authority as is conferred by law upon school trustees in cities and towns constituting separate and independent school districts, and shall thereafter be elected in the same manner as school trustees for such cities and towns, in accordance with the provisions of Chapter 18, Title 48, Revised Statutes, 1911.

SEC. 2. The fact that there are now a number of independent school districts of this State desirous of having the schools therein taken over and controlled by the incorporated cities or towns, forming a part of such districts, and the further fact that the general laws of this State provide no method by which the same may be accomplished, and the further fact that this proposed legislation is of vital interest to the school children in many sections of the State and would be of great benefit to the public free school system of the State, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and also that this act take effect and be enforced from and after its passage, and it is so enacted.

EMERGENCY TRANSFERS.

Be it enacted by the Legislature of the State of Texas:

That the above entitled act of the Thirtieth Legislature of the State of Texas be amended so as to add Section 91b thereto:

Section 91b. In the case of conditions resulting from public calamity in any section of the State such as serious floods, prolonged drouth, or extraordinary border disturbances, resulting after the scholastic census has been taken, in such sudden changes of the scholastic population of any county as would work a hardship in the support of the public free schools of the said county, the State apportionment of any child of school age may, on approval of the State Board of Education, be ordered by the State Superintendent of Public Instruction to be transferred to any other county or independent school district in any other county of the State; provided that the facts warranting such transfer shall be sent to the State Superintendent by the county or district board of trustees of schools to which transfer is to be made with a formal request for the said transfer before the first of August of the year in which such unusual conditions occur. The State Superintendent shall in such case notify the county superintendent of the county to which the funds are to be transferred and the county superintendent of the county from which the funds are to be transferred that final apportionments of school funds cannot be made under these circumstances before August 15. All arrangements for the said emergency transfers must be completed by the

15th of August following the unusual conditions causing the emergency. Children whose State funds are thus transferred to any county shall be included in the number of children for whom the county school apportionment of the said county is made. Any county judge serving as ex-officio county superintendent, county superintendent, district, city, or town superintendent, or any school officer who refuses to comply with the provisions of this act shall be deemed guilty of a misdemeanor and shall on conviction be fined in any sum not less than $50 nor more than $500, or shall be confined in the county jail for not more than sixty days, or shall be punished by both such fine and imprisonment.

SEC. 2. The crowded calendar of the special session, and the serious conditions resultant upon the prolonged drouth of West Texas creates an emergency and an imperative public necessity which requires that the constitutional rule providing that bills be read on three several days be suspended, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

AMENDMENT TO RURAL AID LAW.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That Section two (2) of Chapter 65 of the Acts of the Regular Session of the Thirty-sixth Legislature of the State of Texas, page 105, be and the same is hereby amended so as to hereafter read as follows:

Section 2. State aid under the provisions of this act may be distributed in such a way as to assist all schools of not more than 500 scholastic enrollment to maintain the school for such length of term, not to exceed nine months as may be desired by the district board of trustees, the granting of such aid to be subject to the following conditions:

(1) A common school district receiving this aid must not contain less than nine square miles.

(2) A common school district or independent school district receiving this aid must have had an average attendance the preceding year at least twenty times as many scholastics as the number of teachers employed, and must maintain during the year in which aid is received an average attendance of at least 75 per cent of the enrollment during the time that the school is in session, unless cause for such non-attendance satisfactory to the State Board of Education can be shown.

(3) Any common or independent school district receiving this aid must make such heating and ventilating arrangements, provide such sanitary closets, and keep school premises in such condition as can be approved by the rural school inspector sent by the State Department of Education.

(4) No common school district or independent school district which refuses to conform to a plan of consolidation formulated by the county superintendent and approved by the county board of trustees and by the State Superintendent, shall receive aid from this fund for any school session following the school year in which such refusal is made. School districts in sparsely settled communities, where consolidation is imprac-

ticable, are to be excepted from this provision of this act; provided, that the decision as to whether such consolidation is not advantageous shall rest with the county board of trustees and shall be approved by the State Superintendent. It is expressly provided that in case of schools where compliance with the preceding conditions is impossible, or would work undue hardship, the State Superintendent shall have power, with the approval of the State Board of Education, to grant funds to such schools.

(5) No common or independent school district which has received aid from this fund for one scholastic year shall be granted such aid a second time unless it shall provide for the maintenance of its schools by voting a tax for maintenance of schools of fifty cents on the hundred dollars of property valuation; in no case shall the assessed valuation for the common school district be less than the valuation of the county assessor; and in no case shall the assessed valuation in towns be less than the assessed valuation of town property for other purposes.

Schools of not more than 500 scholastic enrollment complying with the foregoing conditions shall send to the State Superintendent, on blanks provided by the State Department of Education, a list of teachers employed in the school, with a statement as to the monthly salary of each teacher, it being shown on this blank that the trustees lack sufficient funds to maintain the school for the desired length of term. The State Superintendent of Public Instruction, with the approval of the State Board of Education, may then grant to the school such an amount of this fund as may be necessary to maintain the school for the desired length of term; provided, that this period be not longer than nine scholastic months; and provided that such aid be not granted in excess of an amount sufficient to pay the teachers the maximum salary permitted by State law to those holding certificates of the grades held by the teachers of the school district to which such aid is granted. Provided all school districts meeting the requirements of this act, and not having sufficient available school funds to maintain their schools six months in the year shall be given the preference in the distribution of this fund until all the public schools in the State can be maintained at least six months in the year. And provided further, that school districts in which the State of Texas owns real estate in value equal to 10 per cent or more of the whole real estate values in such district, State aid may be given such school district without reference to scholastic population in an amount not to exceed the amount the owners of such real estate would pay to such school district if owned by private persons; provided that this aid shall not be extended until the district has levied the constitutional limit of local taxes and has not sufficient funds to run its school nine months in the year.

SEC. 2. The fact that the State owns land in some school districts upon which no school tax can be collected, which naturally reduces the school revenues and shortens the length of the school term, and the further fact the time is short in which to grant the relief to the schools herein provided for, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule which requires all bills to be read on three several days, and the said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

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